

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-51

v.

HON. JANET T. NEFF

BRIAN KEITH HAYWOOD,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Brian Keith Haywood has filed a motion for modification or reduction of sentence (Dkt 43) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Office filed a Sentence Modification Report (Dkt 46) finding the defendant eligible for a reduction. The parties stipulated (Dkt 49) to the retroactive application of the sentencing amendment and requests the Court to amend the sentence.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 46) and the Stipulation on Reduction of Sentence (Dkt 49), the Court has determined that the defendant is entitled to a reduction of sentence pursuant to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 43) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced from 87 months to 71 months with an effective date of November 1, 2015.

IT IS FURTHER ORDERED that this Memorandum Opinion and Order does not affect and is not a reduction of Defendant's consecutive sentence of 37 months in Case No. 1:02-cr-271-01.

DATED: June 26, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge